

1 UNITED STATES DISTRICT COURT

2 CENTRAL DISTRICT OF CALIFORNIA -WESTERN DIVISION

3
4 LA ALLIANCE FOR HUMAN RIGHTS,
5 ET AL.,

6 PLAINTIFF,

7 V.

CASE NO.

8 CITY OF LOS ANGELES,

2:20-CV-02291-DOC-KES

9 DEFENDANT.
10
11

12 HEARING

13
14 DATE: TUESDAY, APRIL 7, 2020

15 TIME: 2:10 P.M.

16 BEFORE: HONORABLE DAVID O. CARTER

17 LOCATION: ALEXANDRIA HOTEL BALLROOMS

18 501 SOUTH SPRING STREET

19 LOS ANGELES, CA 90013
20
21
22

23 JOB NO.: 4052928

24 REPORTED BY: AUSTIN CHE, NOTARY PUBLIC

25 PAGES 1-78

A P P E A R A N C E S

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1 A P P E A R A N C E S (CONT'D.)

2 ON BEHALF OF ORANGE COUNTY CATHOLIC WORKER:

3 BROOKE WEITZMAN, ESQUIRE

4 ELDER LAW AND DISABILITY RIGHTS CENTER

5 1535 EAST 17TH STREET

6 SANTA ANA, CA 92705

7

8 ALSO PRESENT:

9 MICHELE MARTINEZ

10 HONORABLE ANDRE BIROTTE, JR.

11 DEON JOSEPH

12 BENJAMIN ORESTEES, LOS ANGELES TIMES

13 ROD CASTRO-SILVA, COUNTY OF LOS ANGELES

14 BYRON MCLAIN, COUNTY OF LOS ANGELES

15 MEGHANN CUNIFF

16 THOMAS J. FAUGHNAN, COUNTY OF LOS ANGELES

17 SHAYLA MYERS, CANGRESS AND LA CATHOLIC WORKER

18 CHRISTINA MILLER, CITY OF LOS ANGELES

19 STEVE PECK

20 GENERAL JEFF, COMMUNITY ACTIVIST

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I N D E X

WITNESS:

DX

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RDX

RCX

(NONE CALLED.)

E X H I B I T S

NO.

DESCRIPTION

PAGE

(NONE MARKED.)

1 P R O C E E D I N G S

2 THE COURT: Before, The Court did not
3 have the capability of bringing a court reporter because
4 of the COVID strictures of The Court. And we're
5 fortunate today to have a court reporter present.

6 There was some kind of request that you
7 had. I'd like to hear what that request is.

8 MS. MITCHELL: Your Honor, it's coming
9 from me, Elizabeth Mitchell. In speaking to the
10 Veritext company, they requested that I read this
11 paragraph.

12 THE COURT: Okay. Read it loudly,
13 though, so people can hear it.

14 MS. MITCHELL: And requesting that
15 everybody verbally agree. It says, "In light of your
16 request to hold an in-person deposition/hearing, we
17 hereby require that you consent to the following
18 conditions, and upon your consent, then we will
19 proceed."

20 It says, "The representative here on his
21 or her own behalf and on behalf of his or her clients or
22 other representative who may attend hereby agree to
23 follow all of the Center for Disease Control guidelines
24 during the course of such deposition and not hold
25 Veritext at fault should anyone present at the

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1 deposition or proceeding contract COVID-19, whether as a
2 result of your attendance at the proceeding or
3 otherwise." And so I have been asked to get verbal
4 consent from everybody here.

5 THE COURT: So, Elizabeth, why don't we
6 start with you?

7 MS. MITCHELL: On behalf of the
8 plaintiffs, we consent.

9 MS. BLACK: Hi. Lauren Black with the
10 County of Los Angeles, I consent.

11 THE COURT: A little bit louder.

12 MR. YOUNG: Brandon Young with the
13 County. I consent.

14 MS. WEITZMAN: Brooke Weitzman with the
15 intervenor, Orange County Catholic Worker, yes.

16 MS. MYERS: Shayla Myers with the
17 intervenor, Cangress and LA Catholic Worker, yes.

18 MR. MARCUS: Scott Marcus on behalf of
19 the City of Los Angeles, yes.

20 MS. MILLER: Christina Miller, City of
21 Los Angeles, yes.

22 THE COURT: I obviously consent, David
23 Carter, on behalf of the Federal Court and my colleague,
24 Judge Birotte.

25 MR. BIROTTE: I consent as well.

1 THE COURT: Now, once again --

2 COURT REPORTER: I have a read-on in the
3 beginning if I could go ahead and do the read-on right
4 now.

5 Just a quick note. Please note that the
6 microphones are sensitive to touch, whispering and cell
7 phone noises. We will remain on the record unless all
8 parties agree to go off the record. So just as a quick
9 note, whenever, whoever is speaking, I'm guessing
10 everyone at this table, make sure you speak towards the
11 microphone, the table mic and either mic placed in the
12 two corners. Brandon, it's right in front of you.

13 MR. YOUNG: Yeah.

14 COURT REPORTER: Good afternoon. My name
15 is Austin Che. I'm a reporter assigned by Veritext to
16 take the record of this proceeding. I'm a notary
17 authorized to take acknowledgements and administer oaths
18 in California. We are now on the record.

19 This is the hearing of the matter LA
20 Alliance for Human Rights, et al. versus City of Los
21 Angeles at 2:12 p.m. on April 7, 2020, at 501 South
22 Spring Street, Los Angeles, California 90013.

23 And everyone has already identified
24 themselves for the record.

25 MS. MARTINEZ: Thank you, Austin.

1 THE COURT: Thank you, very much. I'd
2 like to also know who's in the audience. I know
3 different members of the press, but I want to make
4 certain that you're consenting, and I've designated and
5 allowed three members now to come in, one from the Daily
6 Journal, Mr. McLain, and Meghann, are you consenting?

7 MS. CUNIFF: Yes.

8 THE COURT: And Ben, you're with the Los
9 Angeles Times. So I was trying to cover what I deem the
10 legal media, the popular media, your consent.

11 MR. ORESTEES: Yes, I consent.

12 THE COURT: All right. And then Matt
13 Teneckel [ph] was with us before. Is he here today?
14 And I'd like to have the names of all the persons here
15 and who you represent.

16 MR. CASTRO-SILVA: Good afternoon, Your
17 Honor. Rod Castro-Silva on behalf of the County of Los
18 Angeles.

19 MR. MCLAIN: Good afternoon, Your Honor.
20 Byron McLain on behalf of County of Los Angeles.

21 MR. FAUGHNAN: Good afternoon, Your
22 Honor. Thomas Faughnan, Counsel on behalf of County of
23 Los Angeles.

24 THE COURT: Okay, thank you.

25 GENERAL JEFF: General Jeff, Skid Row

1 community activist.

2 THE COURT: I didn't that think I was
3 allowing -- no disrespect to you, but I didn't expect an
4 activist to be here. Are you attached to your group,
5 Shayla, or any other group?

6 GENERAL JEFF: Only as a concerned
7 citizen from my community, Your Honor.

8 THE COURT: I'm sorry?

9 GENERAL JEFF: Only as a concerned
10 citizen from my community.

11 THE COURT: I'm going to ask if I can
12 humbly ask you to be excused, sir.

13 GENERAL JEFF: Repeat?

14 THE COURT: I'm going to ask if you would
15 be excused, sir.

16 GENERAL JEFF: Okay.

17 THE COURT: Appreciate that. Thank you,
18 very much. You voiced your objection, and I appreciate
19 that, but thank you for your courtesy. If that happens
20 again, I'll shut down the proceeding. Is that
21 understood?

22 Now, if any of you can think of a better
23 way to conduct this proceeding, I would be happy to
24 comply with that. But Zoom met with a lot of non-
25 success in the past because somebody tapped in with

1 pornography in one of the recent city meetings, which is
2 going to cause -- I mean, the meeting was shut down.

3 Number two, I have consent to talk to any
4 of you ex parte, and I would like on occasion when I
5 have -- to give you a fair opportunity to respond to it.
6 Otherwise, I think that you'll be responding to my
7 concern in a different manner. So it's a courtesy, too.

8 Finally, I would ask that we hopefully
9 get as close to 10 as possible. And as you know, the
10 government is the exception to this. We can have quite
11 a different number.

12 I've got some concerns, and there's also
13 some good news, but I want to start for a moment with
14 Skid Row. And then I want to start with the Mitchell
15 case, and I want to make certain that we have the same
16 understanding in the past of the area that we're dealing
17 with.

18 First, historically Skid Row, from my
19 understanding, went from Alameda to Main, and it went
20 from 3rd to 7th. And with the Mitchell case that
21 expanded, and that would be the green area surrounding
22 it, and it expanded by one block. It moved from 3rd to
23 2nd. It moved from 7th to 8th. Alameda remained a
24 boundary, and it then expanded from Main to Spring.

25 And if any of you have any different

1 belief that that is now Skid Row, the surrounding area
2 that we are dealing with, I'd like you to correct me.
3 Mr. Marcus?

4 MR. MARCUS: Yes, that is incorrect.

5 THE COURT: Okay.

6 MR. MARCUS: Skid Row remains Skid Row.
7 In order to accommodate and in order to explain the
8 ruling that was entered, the preliminary injunction in
9 Mitchell, the preliminary injunction in Mitchell applied
10 to Skid Row and its surrounding areas.

11 THE COURT: I kind of figured that. Skid
12 Row was in the brown. The surrounding areas are in the
13 green.

14 MR. MARCUS: Correct, but Skid Row did
15 not change.

16 THE COURT: Okay.

17 MR. MARCUS: We simply gave a definition
18 to the surrounding area of Skid Row in that one-block
19 radius that you indicated in green.

20 THE COURT: All right. You're absolutely
21 correct. I misstated that. And that is Skid Row is
22 Alameda to Main. It should be 3rd to 7th. The
23 surrounding area in Mitchell is 3rd to 2nd, 7th to 8th,
24 Alameda remains the same, and it's in brown. I would
25 say to the west, but some people would say to the north,

1 from Main to Spring. Is that correct?

2 MR. MARCUS: Yes.

3 THE COURT: Okay. I read your reports a
4 number of times. I'm going to start with each of you.
5 Do any of you wish to amend anything that you previously
6 stated to The Court? And let me start with Carol Sobel
7 or Brooke Weitzman, Catholic Worker. Any amendments?

8 MS. WEITZMAN: Not yet, Your Honor.

9 THE COURT: Okay. Let me start with
10 Legal Aid Foundation. Any amendments?

11 MS. MYERS: No, Your Honor.

12 THE COURT: First Alliance, any
13 Amendments?

14 MS. BLACK: No, Your Honor.

15 THE COURT: County, any amendments?

16 MR. YOUNG: None.

17 THE COURT: And City, any amendments?

18 MR. MARCUS: No.

19 THE COURT: When you're signing these
20 documents, I would want the representation that you
21 represent the highest level of the entity you're
22 representing. So in other words, when you sign on
23 behalf of the county, I would expect that this is on
24 behalf of Catherine Barter [ph], the chair, and the
25 board. Is that correct?

1 MR. YOUNG: That is correct.

2 THE COURT: Okay. And when you're
3 signing on behalf of the city, I would expect that's on
4 behalf of the Mayor, Gil Garcetti. Is that correct?

5 MR. MARCUS: On behalf of the entire
6 city.

7 THE COURT: Entire city. It's also on
8 behalf of the mayor.

9 MR. MARCUS: Mayor, City Council, yes.

10 THE COURT: And before, Mike Fiore's [ph]
11 name was attached to this. Marcus, on this occasion,
12 your name's attached. Why the change?

13 MR. MARCUS: No change. Mr. Fiore's name
14 remains on the top of the caption. He still runs the
15 office. I'm handling the day to day of this litigation.

16 THE COURT: All right. I'm going to take
17 you through a brief display then for a moment. And if
18 you'll go back, Michele, and help me with the first
19 backup. This is hard to see, and I don't have a laser.
20 But this is the surrounding area of the traditional Skid
21 Row and the surrounding area. And although it's hard to
22 read, eventually I'm going to talk to you about -- if
23 you're really interested in starting some discussions if
24 you're going to be -- litigation as you have been for
25 the past 15 to 20 years.

1 One of the things I'm eventually going to
2 address are the recreational trailers that are along the
3 10 Freeway. I'd like to know specifically how versed
4 you are as counsel with no criticism from The Court if
5 you've been in to Skid Row, San Pedro, or other areas,
6 or if you're operating off of what I call secondary
7 information. And there's no problem with that. It's
8 not a criticism.

9 So let me start with Elizabeth, Matt, or
10 whoever first in line and say if you've been there.

11 MS. MITCHELL: I have been to Skid Row.
12 I have not seen the recreational vehicles along there.

13 THE COURT: Okay. Not an order, but I'm
14 impressed if you see the location of the recreational
15 vehicles towards the 10 Freeway. On behalf of Carol
16 Sobel and Brooke Weitzman, have you been in to Skid Row?

17 MS. WEITZMAN: Yes, not recently.

18 THE COURT: I can't hear you.

19 MS. WEITZMAN: Yes, but I have not gone
20 very like just recently with --

21 THE COURT: Okay. So you haven't seen
22 the recreational vehicles there.

23 MS. WEITZMAN: No.

24 THE COURT: No, criticism by The Court.
25 I want to keep repeating that. I'd encourage somehow

1 that you or somebody in your group look.

2 MS. WEITZMAN: I think Carol may have.

3 THE COURT: I think your offices are here
4 in the area here. Have you been down -- I know you've
5 been to Skid Row. I know where your offices are. Have
6 you been down to see the recreational vehicles?

7 MS. MYERS: If you mean around Washington
8 in the --

9 THE COURT: I mean right along the 10
10 Freeway.

11 MS. MYERS: Sure. I mean, we frequently
12 work with individuals who are living in RVs around
13 there.

14 THE COURT: So the answer I yes?

15 MS. MYERS: Yes.

16 THE COURT: Okay.

17 MS. MYERS: I mean, it depends on which
18 specific encampment you mean down along the 10 Freeway.

19 MS. WEITZMAN: Specifically on 16th and
20 San Pedro.

21 MS. MYERS: Yes. We have spent a fair
22 amount of time in that area, yes.

23 THE COURT: Okay. I can show you some
24 pictures, and we can take all day, but you've been down
25 there.

1 MS. MYERS: Yeah.

2 THE COURT: Okay. Marcus, have you been
3 down there?

4 MR. MARCUS: I have not been to that
5 particular area, no.

6 THE COURT: Okay. Would you take me
7 through the next one for just a moment?

8 MS. MARTINEZ: That's one.

9 THE COURT: Yeah, and then let's go back,
10 just one, two, three. Let's proceed to the next one,
11 next one, next one.

12 Okay. There's been a lot of notoriety
13 and concern about the sanitation stations. And I
14 brought Officer Padilla [ph] with me in case you have
15 any questions. And if you'd like him sworn at any time,
16 I would invite that because some of the information you
17 conveyed to me is inaccurate. And therefore I'm going
18 to run into our working relationship right away, whether
19 that's just an incorrect statement, lack of information
20 or knowledge, or whether that's simply misleading.

21 So this is a sanitation station. And
22 then the next one, Michele, please, another one, another
23 one, another one, another one. This is the vendor that
24 is removing the sanitation stations, and let's stop with
25 that.

1 We had the pleasure of engaging the
2 gentleman who had told us he was picking up 50
3 sanitation stations. Now remember, we don't know how
4 many sanitation stations are actually in Skid Row. So
5 the city has responded, Marcus, that these sanitation
6 stations were all over the city. How many sanitation
7 stations were in Skid Row, Marcus?

8 MR. MARCUS: From Andy Gump, I believe
9 only a handful. That's what the vice president told me.

10 THE COURT: I can't hear you.

11 MR. MARCUS: The vice president of Andy
12 Gump told me that only a handful of his stations were
13 placed in Skid Row.

14 THE COURT: How many?

15 MR. MARCUS: Somewhere between 5 and 10.

16 THE COURT: Five total?

17 MR. MARCUS: Five to ten, somewhere in
18 that number.

19 THE COURT: Five to ten. I'd rather
20 speak to you because we tried to call the gentleman --
21 correct, Deon?

22 MR. Joseph: Yes, sir.

23 THE COURT: We couldn't get an answer
24 from the street. So I wouldn't belabor that, but --
25 next one, and the next one. Officer Padilla and another

1 officer. This is the gentleman. He's the driver.

2 Now, what we were told was that he was
3 picking up these stations, sanitation stations because a
4 driver had tried to service the station and had been
5 stuck with a needle that was in the hose when he was
6 cleaning the station. And therefore, this order from
7 the current management to pick up the stations, however
8 many. I'm going to come back to this in just a moment.

9 Next one. I just want to show you an
10 echo of something that Mayor Garcetti said. And there's
11 a tremendous amount of kindness taking place out on the
12 streets. It's kindness coming within the homeless
13 community, although I know it's been viewed by the
14 majority of society to be pretty rough and tumble. But
15 the more you spend down there, you'll realize that most
16 of these people are awfully good folks.

17 Next start with another one. And Deon
18 didn't know I was taking this picture of him. Next one,
19 and the next one. I'm going to retrace what has
20 happened. We're going to move past this because I don't
21 want you to spend two hours on it.

22 If a federal judge walks around and tests
23 four of the old stations randomly and I have no water
24 and no soap, what would your thought be, Marcus?

25 MR. MARCUS: That we need to increase the

1 service --

2 THE COURT: I can't hear you.

3 MR. MARCUS: We need to increase the
4 servicing of those stations.

5 THE COURT: If you talk to people on the
6 street, Marcus, who said that they hadn't been serviced
7 for two days to thirty days, I wouldn't have an accurate
8 gauge, would I, of the length of time. But if I went
9 back today and I checked those same stations, as well as
10 the new stations, how many did we check?

11 MS. MARTINEZ: Six.

12 THE COURT: Six. And they had no water
13 in the new stations or the old stations. What would you
14 have thought on behalf of the city, Christina? Because
15 you represent the Mayor.

16 MS. MILLER: That's not acceptable.

17 THE COURT: I can't hear you.

18 MS. MILLER: That's unacceptable, and
19 they need to be serviced more.

20 THE COURT: Thank you. I think I'm going
21 to enjoy dealing with you because that's a candid,
22 truthful answer. And I want to tell you humbly once you
23 give me that answer, I have a lot more faith. Because
24 I'm going to make mistakes, and when I do, I need to say
25 candidly to you, you know, I made a mistake, I need to

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1 backup and learn from this. Fair enough. So I expect
2 those answers from all of you.

3 And if you diffuse or if you take me down
4 the path when I'm asking about Skid Row and dilute me
5 out into the entire city and in an effort to escape my
6 questions, we are going to have a serious problem.
7 Okay. Okay. Now, we have that relationship straight.

8 Number two, Christina, from now on my
9 special master will communicate with you. You will
10 communicate with special master. I'd like to get Eric
11 Garcetti's personal number, since he calls me at home.
12 I'd like the same courtesy. Fair enough?

13 [No audible response.]

14 THE COURT: Okay. I'd also like your
15 personal number, Marcus. You both are doing an
16 excellent job. When I speak to him, I want to speak to
17 him personally. I will not have any buffer, any
18 counsel, or anybody other in the future. Understood?

19 MR. MARCUS: Understood. And also Your
20 Honor --

21 THE COURT: Thank you. Is that
22 understood? Yes or no?

23 MR. MARCUS: Yes.

24 THE COURT: Christina?

25 MR. MARCUS: Yes.

1 THE COURT: Marcus, thank you, very much.

2 MR. MARCUS: Can I also offer, Your
3 Honor, I have --

4 THE COURT: All right. Now, the next
5 thing is that I'd like to get some idea of what we're
6 dealing with on Skid Row in just a moment. First of
7 all, I think that there's a lot of good praise to go
8 around. And I want to keep that positive where it's
9 well deserved and also share some information that I
10 have. And when I share that information with you, it's
11 not an action item.

12 It's not something I'm asking you to do
13 unless I make a request by court order. And if I can
14 get that direct communication, sometimes that won't be
15 necessary. Otherwise, I'll have to deal with court
16 orders.

17 So let me start -- my belief is roughly
18 that the vast majority of the homeless in Los Angeles
19 have some possibility of being left in place. And I
20 want to discuss that with you and the findings of your
21 counsel and then have you push back and tell me that I'm
22 wrong. And I want to start dealing with some numbers so
23 I have some idea of what's going to come into The Court,
24 how I can help you help the homeless community and the
25 general public in this pandemic.

1 So roughly let's say we have about 44, 45
2 thousand on the street according to your report,
3 unsheltered in Los Angeles County, and the figures
4 varied anywhere from 27,221 in the city alone to a
5 representation there's 13,606.

6 I'd like to go around the room and get
7 your best guesstimate because these are highly volatile
8 figures. So let me start, Christina, with you and
9 Marcus. What do you think my rough number is, not in
10 the county, within the city? What am I dealing with?
11 Thirty-five thousand, I've heard thirty-eight thousand,
12 twenty-seven, what do you think?

13 MS. MILLER: So the numbers that you were
14 citing are from a point in time count. And stop me if
15 you already know this.

16 THE COURT: Okay.

17 MS. MILLER: But if they're from a point
18 in time count, that's done on a yearly basis. So it's a
19 snapshot, point in time, this is how many people are
20 homeless through a set methodology.

21 THE COURT: Give me a number that you and
22 the Mayor are comfortable with so I don't flounder. Is
23 it 27,000, 38,000 in the city? What would I use?

24 MS. MILLER: Right. So if we're using
25 that count number, 36,000 total, 27,000 unsheltered.

1 THE COURT: Okay. Unsheltered, 36,000
2 total. I know that there's an age population. They
3 don't sound aged to me, but about 13 or 14 thousand
4 that's represented in the filings who are over 55. But
5 I'm not certain of that. And, Christina, let me come
6 back to you again. Is that about the right number?

7 MS. MILLER: I'm sorry. To clarify,
8 you're asking how many of that number are 55-plus?

9 THE COURT: Yeah, 55-plus, and I think on
10 behalf of the cite was the Los Angeles Homeless Services
11 Authority, the point in time count that seemed to be
12 correct, but I want to make certain that you and the
13 mayor are comfortable with that number.

14 MS. MILLER: If that's the number from
15 the report, that's the number we're comfortable with.

16 THE COURT: Now, it's also in your
17 documents that 71 percent of these folks do not have
18 serious mental illness or substance abuse disorder. And
19 when I first started into the homeless cases, the
20 initial outcry from my community was they're all
21 criminals, they're all drug addicts, and yet when you
22 walk down that river and you start talking to people,
23 they were Disneyland workers, dockworkers, UCI students,
24 battered women coming out of a broken home, men who had
25 lost their jobs, and criminals.

1 But the number to me was surprisingly
2 low, because frankly I'll admit to you three years ago I
3 came in biased. I believed when I first got the first
4 case, which was the Schuster [ph] case, that the
5 majority of people I would meet on the river was what
6 I'd constantly been told in a relatively conservative
7 county that these were mostly criminals.

8 Randomly walking down the river is the
9 best thing and the worst thing I've done quite frankly
10 because it somewhat changed my perspective of you being
11 able to talk to a woman who said, you know, I've been
12 raped, and maybe somebody could discount the credibility
13 of that person and tag that person as a homeless, but
14 when you start hearing repeated stories from women, it
15 very quickly gave me a deep concern about the population
16 involving women on the river who were much more subject
17 to abuse and degradation unfortunately than men.

18 I was astounded by the number of
19 Veterans. In a few moments we're going to place a call
20 to Steve Peck, who is obviously Gregory Peck's son.
21 He's a friend. He's a former Marine. He was in
22 Vietnam. We're going to engage him in a conversation
23 about the VA. Remember, Christina, when we have this
24 conversation, Marcus, this is not an -- understood? I
25 just want to start showing information back. You're on

1 the front line. We're not going to get in your way most
2 of the time, okay.

3 So your City Council recognized that
4 there was going to be a shortfall of emergency shelters,
5 and on March 17th of this year your City Council
6 instructed the Bureau of Sanitation to suspend
7 enforcement provisions of LAMC Section 56.1 that
8 requires tents to come down during the prohibited hours
9 of 6:00 a.m. and 9:00 p.m.

10 So in other words, you could camp from
11 9:00 p.m. to 6:00 a.m., and then your tent came down so
12 we could clean the streets at least and have
13 cleanliness. And that provided that the location of the
14 tent does not impede access required by the American
15 Disabilities Act, et cetera.

16 I don't know what Skid Row looked like
17 before, and I've heard from a number of the plaintiffs
18 from Catholic Workers that merchants inhumanely, for
19 instance, would try to violate the 36-inch passage
20 requirement by putting planters or encouraging fences.

21 But I can tell you that in walking those
22 streets, that might be a 1 percent or 2 percent of, I
23 think President Bush said evildoers, but it's not the
24 majority of people out there.

25 Your streets and your sidewalks are

1 literally impassible. And I'm going to invite you after
2 this to take a walk with me if you don't believe it,
3 because your wheelchairs are in the middle of your
4 streets. Your streets are passable as you move from San
5 Pedro down towards Alameda Street for those three
6 blocks. And people are not really walking in the
7 street, but they're tearing the crown off fire hydrants
8 to get water.

9 And if you want to see some dramatic
10 photos, I could show you photos of food lines forming
11 because the homeless now have some of the traditional
12 access places that are gone.

13 So on March 29th, your Los Angeles Police
14 Department with Chief Moore who met us beyond, very
15 humbly, down in the streets. By the way, I'll just say,
16 a fabulous person. Issued an updated guidance on the
17 Mayor's safer at home initiative, advising the officers
18 that the Mayor's initiative was not to force people
19 experiencing homelessness who are sheltered in public
20 places to move.

21 So that was the second tip that I saw
22 coming in that we may have a population that unless
23 martial law is declared or law enforcement is ordered to
24 the streets to clear these encampments, that's going to
25 remain shelter in place.

1 And that is consistent with the statement
2 that Barbara Ferrer [ph] made to me, which is all
3 subject to change, two weeks ago in her office on a
4 Saturday that she would initially prefer the homeless
5 population to be moved into the areas that were
6 recreational centers because she could center her
7 medical entities, but that that might be very difficult.
8 And so we were all struggling, and we're still
9 struggling for the right answers.

10 So with that, it has become, I think,
11 obvious to all of us that regardless of the efforts
12 being made, which are excellent, and remember, he said
13 I'm a fan. I'm a fan also. I watch the 5:30 news every
14 night, okay. But the original projection was 6,000
15 going into 42 shelters. We have 8 plus 5 plus 5 more
16 standing up, and then a progression at some point.

17 And I don't want to know the order. I
18 don't want to know the location. That's subject to you
19 and the mayor, you know, in good faith, and you need to
20 have flexibility and not the Federal Court dictating to
21 you in any way.

22 But because of the distancing, we've gone
23 from a number of about 6,000 of those shelters to about
24 2,000, haven't we? And in every shelter I've been in,
25 which I think is five or six and more to come, when we

1 convert the gymnasium, we're getting about 30 to a
2 maximum 50 people. That may be a little bit higher on
3 the West Los Angeles Shelter, Christina, when I saw you
4 on that Saturday. So I just want to be generous and
5 take 50 times 42, round that off, and that's about what,
6 2,000.

7 Now, if that's citywide, we don't have
8 those recreational centers with Skid Row. And
9 therefore, I understand, Marcus, in your papers that you
10 filed with The Court, your admonition to me not to
11 forget the entire city. I haven't forgotten the entire
12 city, but I saw that as a deflection. I want to be very
13 blunt with you.

14 I was talking to you about Skid Row. And
15 I've been to Venice, and I'll be going to the valley,
16 and I promise you, I'm not forgetting the city. What
17 I'm really concerned with, we've got the largest
18 homeless population in America on Skid Row, and the most
19 condensed conditions, even over and above Venice and
20 Santa Monica, that if that breaks out, and we apparently
21 have 12 cases now, or suspected cases, then it's going
22 to be not only damaging to the homeless community, I
23 would say devastating, and devastating to the public
24 health in general, because these folks do go to Subway
25 eventually. They do get a cup of coffee.

1 Is our figure, Christina, still about
2 2,000? In other words, our best hope across the city is
3 about 2,000.

4 MS. MILLER: For those rec centers, yes.

5 THE COURT: Yeah, okay. By the way you
6 have my accommodation, not my criticism. We have about,
7 in the last presentation from the county, from Allan
8 [ph] I think, yeah, about 570-some beds, but eventually
9 citywide versus countywide, how many beds, Christina, do
10 we expect for the city, and then how many beds do we
11 expect in Skid Row, just a guesstimate? I'm not going
12 to hold you to that, wild guess.

13 MS. MILLER: I mean, what I can give you
14 is that the countywide goal is 15,000.

15 THE COURT: Is how much?

16 MS. MILLER: Fifteen thousand.

17 THE COURT: Fifteen thousand. I saw
18 that. And the governor, by the way, has loosened that
19 money. I think all of us owe him a great debt of
20 gratitude. All right.

21 From Los Angeles City, what is Los
22 Angeles City's share approximately?

23 MS. MILLER: Well, I can't really give
24 you a number.

25 THE COURT: That's okay.

1 MS. MILLER: Yeah. We don't think of it
2 as city and county, we think of it as surface planning
3 areas.

4 THE COURT: I'm not going to tie you into
5 the whereabouts. My point is, though, eventually we need
6 a number for Skid Row. Because the city is so big, that
7 Westchester needs some. Bonin needs some over in
8 Venice. The Valley needs some. And so when I look at
9 Skid Row itself, I'm not certain with no recreation
10 center coming onboard what the download is. And my
11 guess is, it's very little, and my guess is we're not
12 going to have adequate resources. And if that's the
13 case, then we're going to have a shelter in place, and
14 that's why the sanitation stations were so important to
15 The Court. Okay.

16 Because if we're preaching to our general
17 public that they have to be sanitized, we know we
18 already have difficulty in terms of social distancing
19 with Skid Row. We minimally have to provide them enough
20 hygiene that if they choose to use it, that they use it.

21 Now, I want to stop. If anybody
22 disagrees with me, this is like the Marine Corps. I
23 just took off my bars, and this is what's called a spit
24 and growl session. I promise you that I'm not offended
25 by anything you say. Got that?

1 [No audible response.]

2 So let me go around the room, and if
3 anybody disagrees with me, I'd like to hear loud and
4 clear that we're not going to have a substantial number
5 of people, not only who are already on Skid Row, but are
6 jammed down there, by the way, is potentially going to
7 add a few. So let me start, Elizabeth with you.
8 Disagree with me? So what's the context?

9 MS. MITCHELL: I don't disagree with you
10 that we are going to have several people, thousands of
11 people staying on Skid Row and on the streets. I would
12 advocate for better, I think we can do more --

13 THE COURT: I do, too. I do, too. But
14 we're going to spend a while to that. Let me turn --

15 MR. YOUNG: Yeah. I don't disagree with
16 where this might be headed. I think that's fairly
17 obvious. What I would disagree with you on, Your Honor,
18 and I'd be curious what the subject matter experts say,
19 is simply because a shelter is in Skid Row, is that -- I
20 mean, a hotel or motel -- simply because a hotel or
21 motel room is opened in Skid Row, I mean, is it
22 available, what do those numbers look like in terms of
23 efforts versus expanding out and transportation?

24 THE COURT: Right. Okay. Brooke?

25 MS. WEITZMAN: I guess my question would

1 just be whether there are any plans at this time to make
2 rooms available to people from Skid Row who are not
3 already sick.

4 THE COURT: Okay.

5 MS. WEITZMAN: If not, then absolutely,
6 the focus needs to be get hygiene and shelter in place.

7 THE COURT: Shannon?

8 MS. MYERS: I just want to add two more
9 points of consideration about Skid Row and why it's in a
10 desperate situation. It's that at some point those
11 shelters are already overpacked, and they have to de-
12 densify.

13 THE COURT: Yeah.

14 MS. MYERS: But also the residential
15 hotels are one of the places where the public health
16 department has issued concern because they have shared
17 bathrooms and shared kitchen spaces. And the majority
18 of residents who are house in Skid Row are moving in
19 residential hotels.

20 So the sanitation issues on the streets
21 related to sanitation services are that much more
22 critical for the housed population on Skid Row as well.

23 THE COURT: Okay. Marcus, your thoughts.

24 MR. MARCUS: I agree with everything.

25 THE COURT: Christina, your thoughts.

1 MS. MILLER: Yeah. I mean, we are 100
2 percent going to need a strategy for both unhoused and
3 housed people on Skid Row.

4 THE COURT: Okay. But we all recognize
5 right now it's fallen on all of our shoulders, the
6 Mayor's shoulders, the Council, the board to inherit
7 this whirlwind of 30 years, quite frankly, of
8 malfeasance and negligence. So maybe someday we'll put
9 up what I call a wall of shame and name all those people
10 for the 30 years. But you're really the pioneers and
11 the heroes on the frontline. I want you to hear that.
12 Convey that back to the mayor, okay. He's having to
13 solve along with the board and Catherine all of this
14 past problem in weeks and months, and it's a desperate
15 run to save lives.

16 All right. I think we can agree that
17 we're going to have a huge population that is going to
18 be unsheltered in some way on Skid Row, and that
19 therefore leads me to the following.

20 I'm following around a United Truck. So
21 Marcus, there was a United truck down there today,
22 couldn't find the driver because he was parked in the
23 slow lane, but I don't know what he's servicing. Please
24 help me work with Judge Smith and Christina. I'll talk
25 to Eric personally, but I want Christina to promise you.

1 I don't want a call from him unnecessarily. I won't
2 call him unnecessarily, maybe once a week. Get that
3 fixed now. Am I clear?

4 [No audible response.]

5 So when will I be able to walk around to
6 these monuments that are so hard to get? By the way,
7 how long did it take us to get 50 toilets with
8 procurement problems? Five to ten minutes, 6:30 call
9 the next day for the sanitation stations, which are in
10 demand by the way. They are in demand, but it took 10
11 minutes after the opening.

12 So when South Western was operating and
13 offered to you, you could choose whatever vendor you
14 want, but frankly I'll tell you it caused me a concern.
15 Because if your vendor is United, and United can't give
16 you a procurement on Tuesday, but I get a letter from
17 Mike Fiore and the city attorney that by Wednesday you
18 found through the same vendor markets 50 toilets and 50
19 sanitation machines, what would you be thinking?

20 MR. MARCUS: I don't know what you were
21 told. I have --

22 THE COURT: I was told that these were
23 hard to procure. They were in the packed line. And
24 I'll bring my special master if necessary, but I don't
25 think it's necessarily. But then I would then have her

1 on call purchasing orders for a particular period of
2 time.

3 You need to cut through that nonsense.
4 If we can find these toilets at least literally -- how
5 long, 5 to 10 minutes, if we can find the sanitation
6 stations, which are more difficult to find, and
7 literally within an hour and a half, then that could
8 cause an increase.

9 One, you already had them. And if you
10 already had them, just be truthful and say, Judge, we've
11 got a stockpile. We're going to spread them throughout
12 the city. We can't use them for Skid Row, because that
13 was Barbara's input to me. And that was, you know,
14 Judge, with DHS right now I can't put a nurse in every
15 recreation, fine. That's her call.

16 Or number two, that it wasn't important
17 enough to bring these stations on Skid Row. And if
18 that's the case, just tell me. Okay. Clear?

19 MR. MARCUS: Yes.

20 THE COURT: Clear. And just be straight
21 with me. And then I have a small memory, and we're
22 going to move on because we're going to work together.

23 Okay. I'm going to walk around for a
24 moment, and Michele take me down. This is empty, empty,
25 okay. Newly arrived, soap, no water. This is fresh off

1 of United. Next one. Next one. Thank you. Working.
2 So one out of six.

3 Next one. Thank you. Okay. This is
4 Herb Wesson's district. I've been to a lot of districts
5 now and talked to an awful lot of the council people.
6 So it's nothing special. It's nothing that you haven't
7 seen, but just take me through for a moment and now I'm
8 going to pay a complement. Next one, next one, next
9 one, next one, next one, next one, next one, next one,
10 next one, this one. There are some wonderful things
11 happening.

12 Herb says to me, look, we've never had
13 this kind of spirit before in the city. And I want to
14 pass that back to Eric through you, Christina. Now,
15 you've got council people out there who are working
16 together with the mayor in a renewed sense of enthusiasm
17 and dedication. So when I see your mayor on television,
18 he's just not saying that to say that. There is a
19 genuine belief on his part that everybody here is really
20 trying hard. And that's commendable.

21 The second thing is, two weeks ago I
22 would have walked up to this recreation center, and
23 there would have just been parks and recreation people
24 here. There would have been nobody to take your
25 temperature except the policeman who initially picked me

1 up on the street and then turned me to the recreation
2 center and might have taken my temperature again. And
3 the good news is, that is that passed back to the mayor
4 the following -- oh, by the way, these are your waste
5 management people.

6 And so they've been pulled in by the city
7 just to act as a screening concerning possessions.
8 They're not doing anything medically. They're just
9 taking care of possessions and check-ins. So you see
10 these wonderful kids stepping up and doing an incredible
11 job.

12 And the next one. There's a nurse on
13 station at every one of the recreational centers I've
14 gone to, and of course we're going to have a chaotic
15 ramp-up right now. It's inevitable, but you're
16 achieving that. And there's a nurse at every station
17 that I visited so far here or somebody coming from DHS.
18 This is inside shelter. It's building up, six-feet
19 distance. Next one. Thanks, Michele. By the way, I
20 pay Michele zero, as well as Judge Smith, so thank you.

21 Okay. This is Curren Price's district.
22 I think, Andre, you and I were talking yesterday.
23 Curren was in the backseat. Next one. Next one. Now,
24 let me stop for a moment because there's been a lot of
25 word out on the street when Deon and I first talked

1 about the gangs. And I was concerned also because I
2 thought that the city unfairly or fairly had just said,
3 Judge, here's the 50, et cetera, double them on the
4 street. I don't think that.

5 I think what's happened is that this is a
6 station down in Curren Price's district that's manned,
7 and these folks are using these stations. And the word
8 we're getting back from the streets now isn't that your
9 gangs are disappearing, but that they're afraid and that
10 these stations are all over right now so people can use
11 them.

12 And quite frankly I will say on the
13 record I think that this is a great investment. We'll
14 have a toilet breaking party in 60 days if you want to
15 because this is a minimal investment as for hygiene, et
16 cetera. I don't care what happens to your toilets or
17 your sanitation stations, but if we got this surge right
18 now, this is a minimal investment to get these folks who
19 want to use this clean, and that's most of your folks
20 out there. That's most of your homeless community.

21 And then if you come to me, we'll decide
22 if we're going to have a bonfire or keep them there.
23 Then wait for first alliance. I know you don't like the
24 permanency of that. So I didn't put you in the
25 position. And the reason I took this responding action,

1 just so all of you know is so I didn't destroy your
2 original position.

3 And you have to build the first alliance
4 and say, Judge for the temporary, for the intermediate
5 time our position is we still don't want these toilets
6 and stations because they become permanent. But in this
7 intermittent period of time, we're going to join Carol
8 Sobel, Catholic Workers, and we will all step forward as
9 a group for 30, 60, 90 days, whatever is needed.

10 I decided not to ask them or have them
11 come to me with any kind of order. That's why I took
12 this responding position, that The Court would act so I
13 don't destroy your position and somebody can later argue
14 to you or Brooke or to you Shayla, well, gee, you took
15 this position, and now it's permanent because you did it
16 for 30 or 60 days. All right. Next one.

17 They're using these. And by the way,
18 they're using them across the city. Would you go back
19 for just a moment? Thanks, Michele, one back if I
20 could.

21 MS. MARTINEZ: It's not --

22 THE COURT: Yeah. Hey, this kind of a
23 rough area. They're not requiring guards out here. And
24 so this idea that all toilets have all kinds of crime is
25 silly. Rapes still take place if you don't have

1 toilets. And rapes don't take place on a sanitation
2 station, which is wide open to the public. So if that's
3 your position, I've got a tremendous concern about
4 cleanliness and hygiene and any argument you want to put
5 forth that these toilets somehow have caused that
6 problem.

7 But later on, I understand you may not
8 like the permanency. I think this is a great concession
9 initially by first alliance, but it's not a permanent
10 concession, and it's not in writing. Next one.

11 Okay. This is a sprung tent. In a
12 moment we're going to get Steve on the phone. This
13 started in December, and it went up in early March.
14 This is the community wagon coming around, testing.
15 This is Herb's -- I'm sorry. This is Curren's district.
16 This sprung tent is an amazing opportunity, and I think
17 the mayor has repeatedly taken the position that these
18 are fairly allocating across the city, not to cause the
19 homeless population moving from my area to your area,
20 but to take the homeless population in that area and
21 house them.

22 Walk through one more, Michele. Washer,
23 dryer, put up at inexpensive cost. Next one. This is
24 the men's side. If you go back, this lady is absolutely
25 amazing. And the more you hit the streets, you will be

1 gladdened at heart by these young people out there on
2 the front lines. I mean, America is in good shape.
3 This city is in good shape. Not right now, but it will
4 be. Next one.

5 We talk about the homeless, so, next one.
6 Now, that's pathetic. And that's living three blocks
7 from here. And I halfway thought about holding my court
8 right on Skid Row and decided not to, today because it
9 would attract too many homeless people, probably yelling
10 and screaming and wondering where the water is. And I
11 kid you not, I'm quite capable of doing that. So I'm
12 encouraging you to go down there and look at your
13 leisure. All right. Next one.

14 Okay. This is the recreation center that
15 Curren's got. Stop for a moment. Mental health is in
16 every location. And I understand that DHS is not, but I
17 understand that the city has gone over and above,
18 increased costs, private contractors. These two, by the
19 way, are nurses in the front, mental health in the blue,
20 parks and recreation and sanitation in the back.

21 Okay. I want to talk once again with
22 Marcus and you, Christina, about the YMCA because
23 remember I'm commending you. But I'm not certain how
24 that helps Skid Row yet. It's going to help the
25 recreational folks get showers across the city, and we

1 certainly have more than one encampment. We have
2 encampments all over the city.

3 But if I took the location of Skid Row
4 and your YMCAs, I'll make this available to you by the
5 way. This is the distance from Skid Row of each of the
6 YMCAs, which once again would have The Court's
7 accommodations. Next one.

8 Well, there's Skid Row, and so when I'm
9 looking at what's about to face us on Skid Row, I'm
10 becoming convinced that these sanitation stations aren't
11 going to be very helpful, except for one, which is about
12 three blocks away from the border of Skid Row. Now,
13 don't get me wrong, once again you've got my
14 accommodation because just at the side of the police
15 department station there's a mental health office.
16 Deon, what street is that on?

17 MR. JOSEPH: That's 8th Street --

18 THE COURT: Yeah. Trailer pulls up, and
19 you can make an arrangement to get a shower. So I know
20 that there was a past effort, and it's a continuing
21 effort, and it's a good effort, but we're about to get
22 overwhelmed unless we do something else in terms of
23 sanitation.

24 So I hope this is the beginning of these
25 stations, and I don't care if one or two of them are

1 destroyed or the toilet's tipped over. It's worth it
2 for the other 48. Now I'm not going to count. Deon,
3 you can count. How many stations did you count out
4 there, toilets delivered?

5 MR. JOSEPH: We counted 52.

6 THE COURT: How many?

7 MR. JOSEPH: Fifty-two hand washing
8 stations and forty-three toilets.

9 THE COURT: Yeah. You deliver the number
10 yourself, 50 to 60, thank you. The next thing is, in
11 your answer you said you had four stations up and
12 running today for testing, right. No, you don't. You
13 made great strides, but they're not operating yet and
14 the answer -- you've got one station testing over at
15 Christian Health Services. That station has been
16 testing for a long period of time, unconnected with the
17 city or the county.

18 You have another station starting over at
19 Andy Bales' Rescue Mission. It's a tent, but it's not
20 testing yet because of the weather. The tent is set up,
21 but it will start as soon as the inclement weather ends.
22 It was supposed to start on Monday. And you wouldn't
23 have known that, so it's not misleading to The Court.
24 It's just inaccurate.

25 Across the street you've got Dr. Chah

1 [ph], and he runs the Wesley Clinic. We're checking
2 now, but we don't believe he's up, but he could be,
3 Christina. And I'll know in a few minutes, okay.

4 So accommodation, the nurse volunteers
5 are doing everything they can as fast as they can to get
6 these stations up under the horrific circumstances they
7 fall under --

8 MS. MILLER: Can I clarify? The clinic
9 that was already testing, the only part that the city is
10 partnering on is getting them more tests.

11 THE COURT: Okay.

12 MS. MILLER: So we are using the existing
13 testing infrastructure. We've procured more tests
14 because they only have like 300. So that's our role.
15 It wasn't a new site we set up.

16 THE COURT: Fair enough.

17 MS. MILLER: So just to clarify that.

18 THE COURT: I'll take two more minutes
19 and then back to you. All right. I had a conference
20 with Kathryn Barger this morning, your chair. I have
21 equal praise for her as I do the mayor. She got on the
22 phone. I had a chance to talk to Jonathan Sherin, and
23 you have in your document that you filed with Carol
24 Sobel, it's right here. A website that says that the
25 Los Angeles Veterans Center is operating. Is that

1 correct?

2 MS. WEITZMAN: In terms of the VAs?

3 THE COURT: Yeah. Take a look at your
4 own file, and go back about four pages, about halfway
5 down. You'll see not only a website, but a good
6 representation that the Veterans' homeless shelter is up
7 and running. And when you put that in your documents,
8 I'd like you to tell me how we're doing with that
9 Veteran shelter.

10 MS. WEITZMAN: I can find out. I was in
11 the Placentia shelter --

12 THE COURT: No, no. You put it in your
13 document. How are we doing with it? When you say
14 something to The Court, you back it up.

15 MS. WEITZMAN: It looks like extensively
16 about the -- but I don't recall the VA center.

17 MS. MYERS: Is this the new bridge
18 shelter, Your Honor, that just opened?

19 THE COURT: Sure, call it anything you
20 want. There's a Veterans' shelter that's over in West
21 LA.

22 MR. PECK: Hello?

23 THE COURT: Hi, Steve. How you doing?
24 Listen, you've got a wonderful family here waiting to
25 talk to you. And Steve was kind enough to come down to

1 Orange County when at least that part of the world
2 denied that they even had a homeless problem and were
3 doing nothing for Veterans and women. And because of
4 your friendship and my friendship, Steve, you've been
5 exemplary, and I have a record of these proceedings.

6 And I don't think that people
7 recognize -- he founded U.S. Vets in 1992. Once again,
8 I'm not recommending any particular organization to you.
9 And actually we're doing pretty well over at the West
10 Los Angeles Center. I'd like you to know the capability
11 and capacity of it. And then I'd like to discuss with
12 you how we might carry back your decision makers, how
13 we're going to get Veterans off of Skid Row over to the
14 Veterans Center if it's operating.

15 And then I'd like to know how come the
16 Veterans Administration has taken so long just to get up
17 these facilities. So, Steve, first of all would you
18 just start with the domiciliary system and what existed
19 before. Then we can take this into building 214, and
20 then let me lead you from there. And I don't want to
21 give any names of the information sources that we've
22 gotten. Kathryn has done a wonderful job calling around
23 today. So if you'd start for me.

24 MR. PECK: Absolutely. So just recently
25 I've opened up one of the domiciliary buildings 214.

1 There are two of those types of buildings. Their
2 capacity is about 300.

3 THE COURT: Steve, just a moment. I
4 don't have a microphone -- yes I do. Hold on.
5 Christina, I don't want you to get sick, so let me use
6 that mic. So we have no amplifier, right? Okay. Can
7 you hear him?

8 MR. PECK: If I talk louder, can you hear
9 me?

10 THE COURT: Yeah, better.

11 MR. PECK: Okay. So two dom buildings.
12 Under normal circumstances their capacity is about 300.
13 The VA has basically reduced that population into just
14 one of those buildings, and -- building 214 available
15 for Veterans who potentially have COVID, who have been
16 tested, don't know yet. They've created quarantine beds
17 for those who have tested positive. And they're
18 reserving some of those beds for homeless females.

19 So that building is open. I believe
20 there are about 40-some people in that building now, and
21 they are accepting applications. There are some
22 additional beds in building 270. So their current
23 capacity in those two buildings is about 190 beds. As I
24 said, they have just recently accepted Veterans and they
25 have a great home, which is a strong structure that is

1 accessible and is only around 14 people in there --

2 THE COURT: Steve, just a moment.

3 Because of the new distancing, I think we have a
4 capacity of just 50 instead of the original 100.

5 MR. PECK: That is correct.

6 THE COURT: And there's 14 in there now.

7 MR. PECK: And there's 14 in there now.

8 The VA has also made one of their parking lots
9 available. They have what they call a care treatment
10 center with rehabilitation service area for homeless
11 Veterans. Then, Veterans can set up tents in parking
12 lots that have 17 spaces for about 25 tents, and they
13 are bringing in washing facilities and caseworkers.

14 Their ability to take in anymore is
15 limited by the fact that the VA Medical Center provides
16 homeless rooms to Veterans who have medical needs. If
17 they're simply homeless in general, the VA cannot take
18 them in. So in this crisis here, this COVID crisis, it
19 would be good if the VA was given full authority and the
20 funding to bring in more Veterans off the street, make
21 more buildings available or put up more sprung
22 structures because there's plenty of land there to do
23 so.

24 THE COURT: Steve, thank you, very much.

25 Now, this goes back to a 2011 lawsuit. That lawsuit

1 generally involved the donation of land by a family and
2 generally speaking it was to be for public benefit.
3 There were a number of leases that took place that Judge
4 Otero, my colleague was involved in. And some of those
5 leases were found to be inappropriate for that land.

6 This has taken too long, too costly by
7 the Federal Government and the VA, and it's been
8 described to me as a debacle on occasion. I would
9 implore the county, Kathryn, who has a wonderful
10 relationship with the mayor, with any help that you need
11 from The Court to get the Federal Government moving.

12 And I don't see any reason why another
13 sprung structure couldn't be put up. I don't see why
14 the Army Corps of Engineers couldn't be involved. And I
15 don't see why that couldn't be done in a short period of
16 time. Once again, that's another direction. That's an
17 offer of help.

18 And remember, in my court at the first
19 meeting with three packed courtrooms and running cable
20 up and down, I think maybe you were there, I actually
21 asked somebody to call the Veterans Administration, and
22 I was told, Judge, we can't come out to the Santa Ana
23 River. Well, why? We're down in Long Beach serving
24 Veterans. Well, we don't do that.

25 Well I think somebody figured out very

1 quickly that the United States Government and the VA
2 didn't look very good with a federal judge walking down
3 the river being told that they couldn't respond. And
4 somebody made a very wise decision in Washington, D.C.,
5 and in 24 hours they reversed that position.

6 By the way, they did an extraordinary
7 job. Those folks that came from the VA really sorted
8 out hundreds of Veterans. I don't think we need that
9 drama, but trust me, you've got my full support. Back
10 to the mayor's office, if you need the Federal Court's
11 help, and you have the full support from this court
12 concerning county. And if you need me to place a call
13 to someone in charge who's name is Joe Grogan, by the
14 way, Domestic Policy Advisor, I would be happy to give
15 you his number and tell him I'm involved because they
16 invited me to Washington, D.C. Now, I'd like to see
17 action on their part on behalf of Veterans and no
18 excuses.

19 I'll let you take the lead normally.
20 That's not a direction. And, Marcus, you've got my full
21 support. I'm not afraid of getting on the phone or
22 flying back because there are too many Veterans out
23 there.

24 Now, you've got a readymade process and
25 procedure to get them there. Because all of your

1 Veterans aren't in Santa Monica, and they're not camped
2 around the VA. You've got DHS teams out on the street
3 who I talked to, wonderful people. You've got mental
4 health teams out there, three people at a time out
5 there. I've got pictures of these wonderful kids. They
6 know who these people are.

7 And the problem that Steve and I are
8 having is, Steve, you've told me a lot of our Veterans
9 are pooling money and trying to take a cab over to the
10 VA. Is that correct?

11 MR. PECK: Yeah, that's correct.

12 THE COURT: If we could gather them, we
13 could get transportation over there, even through Chief
14 Moore. So I would implore you that somehow there's kind
15 of a small working group walking the track for my
16 decision makers and to start thinking how we get some of
17 the Veterans and some of the women over there if they've
18 got capacity. Okay.

19 Okay. Now, I'm going to stop. I've got
20 a lot more, but I'm going to turn this over to Judge
21 Birotte for a moment, if he's got any questions or any
22 comments.

23 MR. BIROTTE: No, I don't have anything
24 else, no.

25 THE COURT: Now, after 30 years of

1 litigation or 20 years, each of you have gotten small
2 victories along the way. For instance, you've got
3 possessions of 60 gallons. You've got an expansion.
4 Does anybody think that the City of Los Angeles is in
5 any better shape today than it was four or five years
6 ago for these great legal victories? Are you proud of
7 it?

8 It's an abomination. Somehow this
9 litigation has to start unwinding with the settlement.
10 When this is done, Mayor Garcetti is going to face this
11 exact problem. Kathryn Barger is going to face this
12 exact problem. And the public has the right to know why
13 we didn't resolve this period of time and take as many
14 people as we can in, when quite frankly the Federal
15 Government is reimbursing you. Did you know that?
16 Seventy-five percent out of FEMA, right Christina, 25
17 percent more from the state, not costing the city a
18 penny. Well, a little bit, well, a little bit.

19 But it's going to cost you so much more
20 in your police and ambulance time, and I'll represent to
21 you that the 21 cities that have come under our
22 jurisdiction, we've had two disputes with Judge Smith
23 and I resolved informally in 18 months. Let me repeat
24 that. So who's my worst problem? City attorneys. I'll
25 just say it. Because we've grown so used to litigation

1 and not problem solving that that traditional model is
2 not going to work for my county, and it's not going to
3 work for the County of Los Angeles.

4 So we talk about compromise. Are you
5 really going to make a stab at settling this, because
6 otherwise we'll be done in a while, and you can just go
7 litigate for the rest of your lives? So first of all,
8 do you really want to make a stab at this, because if
9 not, I don't want another discussion, and neither does
10 Judge Birotte, and neither does Judge Gutierrez.

11 MS. MITCHELL: Absolutely, Your Honor.

12 THE COURT: Okay. You want to try.
13 Could you flip up that first photo? In fact, if
14 anything, by the time you're done, you'll be all the way
15 up to the 110 Freeway. Now, go back to the very
16 beginning. I'll show you how successful the city's been
17 so far.

18 MS. WEITZMAN: I know there's an easier
19 way, but --

20 THE COURT: No -- it's perfect, okay.
21 All I see is expansion. Brooke? You want to make a
22 stab at it, because if nobody wants to participate, I
23 don't think we want to waste the time.

24 MS. WEITZMAN: We're always excited to
25 hear about solutions.

1 THE COURT: Yeah. Shayla?

2 MS. MYERS: I mean, as long as this
3 process is going on ...

4 THE COURT: I think the answer is self-
5 evident for the mayor, and I think the answer is
6 obviously yes. I think it's self-evident for the
7 county. So let me start with just something -- we're
8 just going to toss some things out. This is not a
9 settlement discussion. So therefore, it will be
10 somewhat transparent.

11 I just want to take the recreational
12 vehicles for a moment. They're located along the 10
13 Freeway. -- scattered all over the city. There's a
14 huge conglomeration of recreational vehicles. So if you
15 believe that you're just going to get rid of those
16 recreational vehicles and scatter them, we have a first
17 alliance to another part of the city, I don't think any
18 other council person or any member of the board of
19 supervisors will ever be subject to that conversation.

20 So I think we're in a position,
21 Elizabeth, thinking along with Matt, how do we contain
22 that in some way so our business community thrives, so
23 we don't have somebody operating on a 4 or 5 percent
24 margin that's a small retailer or merchant with four
25 homeless people sleeping and defecating at their front

1 door.

2 By the way, I took a bunch of pictures of
3 human poop I was going to put up there for you, which
4 would turn your stomach, and I decided not to, to keep
5 it civilized, but you ought to see it. And you ought to
6 smell it to understand how bad it is out there. And I
7 think we're all fortunate because of our income and our
8 position that we're not out there seeing so.

9 So I think you have a lot to gain because
10 this could very easily - it already has, right. I'm not
11 going to take the pictures out, but it's ridiculous that
12 an ADA person can't even walk down a sidewalk. They
13 have to put their wheelchair in the middle of the
14 street. And although you can point out exceptions to
15 me, about 36 inches at an evil merchant, which I'm sure
16 there are, that is not the rule. The rule is that they
17 have taken over the sidewalks, and you can't walk. You
18 have to go in the street.

19 And I'm surprised the ADA people haven't
20 become involved. And if they want to join, I'll
21 actually --. So I don't see that you've gained very
22 much, but honestly through all your good lawyering in
23 terms of increasing the wellbeing of our clients out
24 there, in fact, I think it's worsening.

25 Shayla, you've got a great victor on this

1 possession case, and I don't know whether it was 60
2 gallons of whatever. I don't know how much a human
3 being is entitled to. But assuming as I would with any
4 colleague that that's the correct ruling. I want to
5 represent to you the multiple homeless, at least, that
6 we've dealt with, will not only walk away from a lot of
7 their possessions if they have decent housing, they'll
8 actually reduce their possessions to far below the 60
9 gallon.

10 Now, hold on. I don't know if -- you're
11 wrong. It's as simple as that. No, you're wrong. But
12 they have to have decent housing to give them. That's
13 the bottom line. And I would think that that's what
14 you're after. Some kind of decent, humane housing that
15 takes the place. Because I'll take you to some of these
16 locations, in fact, you'll take me maybe Friday, make a
17 date.

18 MS. MYERS: Sure.

19 THE COURT: Okay, yeah.

20 MS. MYERS: Any day.

21 THE COURT: And they've got televisions,
22 generators, doors, mattresses. And whoever wrote this
23 90-day law is of great concern. Right now you're
24 required to store your possessions for 90 days. We
25 store more stuff in the Santa Ana River, and the first

1 week two people came by - talked to the gate guard who
2 generally wanted possessions. On the second week a
3 scavenger came by. And beyond that we just stored
4 mounds of trash.

5 There ought to be a reasonable period of
6 time, because, Shayla, you and I have got to be worried
7 about if somebody's got a warrant, for instance, you
8 know, how do we account for that. We've got
9 possessions, and the only reason I took to the river was
10 this. You couldn't define what personal property was.
11 So Brooke did a wonderful job, saying all these were
12 personal possessions. The county took the position that
13 no, this was all trash. And since it's like
14 pornography, you can't define it unless you see it or
15 whatever that standard is, we just walked down the river
16 and said trash, whatever. I tried to be humane about
17 that. And the folks cleaned up. It really got --.

18 So I will ask you something. Do you want
19 the present recreational area along the 10 Freeway to
20 exist, because it's already been self-created? That's
21 where most of the trailers are. And if you don't, then
22 is there a parking lot or a location we could look at or
23 locations that don't banish the homeless to, you know,
24 out the deep end, but allow them to get into an area
25 that's safe, lighted, they have access to food, and also

1 gives us a chance for medical intervention humanely.
2 Because a lot of our folks have scabies, pneumonia, far
3 beyond the COVID crisis, and you and I've seen that day
4 after day.

5 So if you want this contained and you're
6 going to come to Judge Birotte, and you're going to say,
7 you know what we got two or three locations, Judge, and
8 you're going to get together and say what we might want
9 to take a look at these locations. And I think we can
10 get together with Chief Moore because after 20 years
11 everybody has gouged each other. So there's all these
12 past wounds that a lot of us could tell each other
13 about, and all the anger and frustration. But I
14 wouldn't expect anything to push by.

15 In other words -- to find these locations
16 and to come to us in the Federal Court in a negotiation
17 session and say, you know, these are something we might
18 look at. You're not accepting those right away. I
19 mean, this is subject to take a look at, and some of the
20 requirements that you'd need, you know, in good faith
21 and humanely to treat these folks. And maybe we could
22 get some showers in there. That ought to be a
23 prerequisite, and I don't mean just, you know, one
24 shower. Maybe we ought to get cleanliness in there.
25 Maybe we ought to treat these folks like human beings.

1 But otherwise, if you don't, here's where I'm starting
2 with recreational vehicles.

3 So many of the women and children are in
4 these recreational vehicles. And I don't want to hear
5 that one recreational vehicle has a prostitute, and then
6 everybody can write about the one recreational vehicle
7 that has a prostitute and just stop, there is prior
8 evidence, and Kathryn's prior efforts to resolve this
9 because you've got one bad article. That's cowardice.

10 So don't react when you get the one bad
11 article about a toilet. Don't react when you get the
12 one bad article about a prostitute. React to the fact
13 that there's 99 percent of the people or 90 percent of
14 the people who will profit by this, and you can end this
15 litigation.

16 Now, I'm just tossing out a number.
17 That's not a set amount. And we've got to start
18 somewhere. So what I'm not willing to do is diffuse.
19 I'm not willing to start down on Skid Row, which I think
20 is the center of it, and then jump over to Mike Bonin's
21 district. I'm willing to work piece by piece with you
22 so we do that incrementally and try to get a settlement.
23 Because if you try to do it citywide, Christina, it's
24 too long. You're not going to get it.

25 Number three, I trust my attorneys. I

1 trust you immensely, but you're not decision makers.
2 You're filters. I want the principle of the moment. If
3 we're going to get serious about this, let the COVID
4 scare or pandemic get by so we're not in endangering
5 anyone. And then I want Kathryn Barger in the room. I
6 want representatives in the room consulting with them.
7 I want the police chief in the room. I even want your
8 councilmen and your supervisor in the room from your
9 respective districts, and I want them to make the
10 decision and give you guidance, not the opposite way
11 around.

12 Now, those are the demands for successful
13 settlement. Okay. And if you can get the recreational
14 vehicles resolved, I think we've got a great opportunity
15 with the rest of the city, but I don't want you to lay
16 out. Maybe the city council will bring it forth, but
17 there's a lot of ideas floating around, and I think the
18 Mayor will know that. We talked about it. So I'll let
19 that come through the mayor.

20 All right. Now, we're going to stop.
21 Andre, any thoughts, questions?

22 MR. BIROTTE: No, I'm good.

23 THE COURT: Okay. Let's go around the
24 room. This just a spit and growl session, just like the
25 Marine Corps. Say anything you want to, and I won't

1 pick a fight. Elizabeth, first one.

2 MS. MITCHELL: Thank you, Your Honor. I
3 think I really want to stand on the request for a status
4 report by the city and the county. I am very unclear
5 about what the numbers are. I know we talked about --
6 but there are more than that. I want real clear numbers
7 so we understand where we're at currently, and I
8 understand that there's a bit of a moving target and
9 there's an ongoing rollout of these numbers, but to have
10 some sort of check-in, maybe a regular check-in so we
11 understand what our status is, would be very helpful as
12 we move forward.

13 THE COURT: When first alliance -- in a
14 sense citywide or county --

15 MS. MITCHELL: Correct.

16 THE COURT: That may not be unreasonable,
17 and I don't want to be in the decision maker's way other
18 than the few hours here -- I'm not in Kathryn's way
19 right now or Phillip's way. I'm not in the police
20 chief's way. I'm not taking time from them. What I'm
21 concerned about in the report is it's old, and I think
22 right now we kind of have an idea that our resources --
23 and I think I'm going to be able to watch the nightly
24 news quite frankly and get fresh information as it comes
25 in. So a week, two weeks, I don't want to have

1 another --

2 MS. MITCHELL: Sure.

3 THE COURT: -- pandemic, but I'd say two
4 weeks.

5 MS. MITCHELL: I'm find with two weeks,
6 Your Honor. My concern is that we're letting this
7 crisis get away from us.

8 THE COURT: Okay.

9 MS. MITCHELL: That's my concern is that
10 we talked a lot in here, and I think everybody's on the
11 same page. We want these sustainable solutions, but
12 then what we're seeing is 50 here, a few there, nobody
13 is acting with the FEMA style emergency that we all
14 believe this is. And so when we talk about this, you
15 know, the acres of property on VA land, you can have
16 sprung structures in 14 days. You can have 15 sprung
17 structures on that land, not one. And that's the type
18 of big picture thinking that I'm really trying to
19 invigorate.

20 And so when I'm looking at numbers, I can
21 look at the nightly news, but everything is constantly
22 changing. I don't even know what the target is right
23 now.

24 THE COURT: I think it's constantly
25 changing because --. I think the resources are just

1 blown in by the same token. You're right. There has to
2 be something that gives you and the public a sense, and
3 there has to be something that gives me a sense because
4 if you bring me a report, and that's why I'm thinking
5 about Skid Row.

6 I quite frankly don't think the resources
7 are going to flow through Skid Row. I don't think that
8 there is ill will. It's just when I went through the
9 calculations I didn't see the YMCA was helping Skid Row.
10 I didn't see the recreation center was helping Skid Row.
11 And I can't even remember seeing them, but I don't think
12 the city has them right now. So I'm looking for a
13 reasonable period of time. I think I agree with you.
14 Okay. So let's talk about that down the line.

15 MR. YOUNG: If I may, Your Honor, on that
16 point, you know, we are not in litigation. And the
17 request that's on the table for the status reports is
18 not a question of numbers. I mean, it's much broader
19 than that. And we do have processes that are set up
20 that The Court has already established that allow for
21 reporting through what we agreed upon when we started
22 this litigation.

23 And I, on behalf of the county, had two
24 very large concerns. One is the information is
25 changing, and even if unintentional, saying something

1 today versus something that changes tomorrow creates
2 confusion, which is problematic, so.

3 THE COURT: That could be argued with the
4 best issues.

5 MR. YOUNG: Yeah.

6 THE COURT: And I'm not saying it is, but
7 because first of all, we're not making any time for the
8 decision making. Kathryn's not here. Eric's not here.
9 You're an attorney.

10 MR. YOUNG: Right.

11 THE COURT: Are you making decisions in
12 this? Am I taking your valuable time?

13 MR. YOUNG: No, but the --

14 THE COURT: Now, then you can give me a
15 report any time couldn't you?

16 MR. YOUNG: That's the problem --

17 THE COURT: And especially if you gave it
18 to me yesterday, I could have a session today. So it
19 would be accurate, wouldn't it?

20 MR. YOUNG: Right, but --

21 THE COURT: Now, tell me again why you
22 can't do that.

23 MR. YOUNG: The problem is, the resources
24 that it takes to get that data, it's not from the
25 decision makers, right. It is from the people who are

1 on the front lines who are making the decisions, who are
2 trying to lease these facilities, you know, who are --

3 THE COURT: I don't expect absolute
4 accuracy here, but I do expect some accounting along the
5 way. And I genuinely agree that you should be held
6 accountable because the city, quite frankly, hasn't been
7 accountable --

8 MR. YOUNG: Yeah. And I'm --

9 THE COURT: You got yourself in this mess
10 because of non-accountability.

11 MR. YOUNG: And there's no disagreement
12 on our end with respect to that.

13 THE COURT: Good --

14 MR. YOUNG: And it's a question of the
15 scope.

16 THE COURT: -- blunt with you, you be
17 blunt with me. This is a spit and growl session. I'm
18 going to reject that. I think you haven't been
19 accountable. I'm holding you accountable.

20 MR. YOUNG: Okay.

21 MS. WEITZMAN: So we got a couple of
22 things, Judge, and all in the context of making sure
23 that as people are working so hard to make these plans,
24 that we are always keeping --

25 THE COURT: Could you take off the mask

1 and --

2 MS. WEITZMAN: Yep.

3 THE COURT: I want to hear you. And you
4 can back up 10 feet if you want to.

5 MS. WEITZMAN: I mean, you want to hear
6 what I'm saying.

7 THE COURT: Yeah.

8 MS. WEITZMAN: So there's three things,
9 but all in the context of making sure that as all these
10 entities are working together that they're really
11 keeping in mind the critical piece of insuring that
12 things are being offered where people are, that they
13 have jobs and they have doctors, and they need to
14 maintain access to all of those.

15 And so in that context I think it would
16 be helpful to know maybe how often the current hygiene
17 is being serviced so that if we come back next week and
18 we see, okay, it's still not enough, we know what it was
19 so that we can request more servicing. Even if they're
20 being serviced once a day or once every three days, but
21 some information just about what the plan is so we can
22 figure out where we started if it doesn't work, about
23 whether, kind of where we are in terms of getting access
24 to buying or master leasing hotels and motels to allow
25 people to access those at some point.

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1 That's certainly not going to solve the
2 Skid Row problem, but we keep hearing that the city has
3 rooms, and so we're just not sure yet if people are
4 getting access to them and about them. We've talked
5 about this quite a few times. All that space outside
6 the rec centers and why we're not allowing people who
7 want to, to put up their tents on those lots.

8 THE COURT: Okay. Now, did you see
9 Elizabeth just nod her head?

10 MS. WEITZMAN: I --

11 THE COURT: See, she agrees with you.
12 And I let the two of you intervene because you have all
13 almost opposite interest in this case. But there are
14 certain things that I think that you two will be in
15 agreement on that just make common sense. Let me turn
16 to Shayla.

17 MS. MYERS: I appreciate the fact that
18 we're having a conversation about long-term strategies.
19 I think everyone is invested in the long-term
20 strategies. And I think --

21 THE COURT: I don't. Now, let me repeat,
22 I don't. I don't think any of you have been invested in
23 a long-term strategy, not at all. By the extent of this
24 litigation over such a long period of time with your
25 small victories that will lead to disintegration of the

1 city. So I don't believe that.

2 MS. MYERS: And I'll look forward to
3 having that discussion and that disagreement over the
4 course of the entire litigation. Because I think always
5 holding firm to unhoused people's constitutional rights
6 in the face of the crisis is critical, and we will
7 continue to do that.

8 THE COURT: Sure.

9 MS. MYERS: We'll continue to do that in
10 other courtrooms. We will continue to do that here to
11 the extent that there are intervenors in this case. And
12 we will not back down from that. But we are in a moment
13 of crisis, and I think to the extent that there is ever
14 going to be a moment in which the intervenors, Los
15 Angeles Catholic Worker and LA Community Action Network
16 agree with the business interests, it is in this moment,
17 Your Honor.

18 And I think we can talk about what to do
19 next, but right now we have 2,000 unhoused people in
20 Skid Row who are in close proximity to each other, in
21 violation of all of the CDC regulations related to
22 density. We have no master plan on how to save the
23 residents of Skid Row. The residential hotels, people
24 living in them have struggled and fought to get housed,
25 and now they are in jeopardy because of where they are.

1 THE COURT: Shayla, given all that for
2 just a moment. Now, I want to hear your solution. I
3 always hear a problem. Now, I want to hear the
4 solution. Are we going to draw squares on the street
5 and have --

6 MS. MYERS: No, Your Honor.

7 THE COURT: -- are we going to do that?

8 MS. MYERS: No, Your Honor. That will
9 not solve the problem.

10 THE COURT: Let's assume that you're
11 absolutely right. We've should have done that 10 years
12 ago.

13 MS. MYERS: I don't care --

14 THE COURT: Let's assume that they don't
15 have the ability to do that, which is why I'm having
16 this meeting today.

17 MS. MYERS: Sure.

18 THE COURT: God awful choices.

19 MS. MYERS: Yeah, absolutely.

20 THE COURT: People are going to get hurt.

21 MS. MYERS: Your Honor, I --

22 THE COURT: What's your solution?

23 MS. MYERS: Commandeer the hotels. And I
24 say that not with an extreme position, but I say that
25 with the power that is endowed to the City and the

1 County of Los Angeles. That is in their authority. It
2 is in Governor Newsom's authority. They have streams of
3 funding that, as you say, have never been available
4 before. They have FEMA money. They have state money.
5 They have HUD money, and they have the power and the
6 resources available for staffing.

7 I understand that this is an incredibly
8 difficult circumstance, but the City of Los Angeles has
9 been treating homelessness like an emergency for
10 decades. And I say that with a grain of salt, but that
11 is the mentality that they have been operating under
12 that this is an emergency.

13 So when the City of Los Angeles ramped up
14 to address this emergency, they did so in an
15 unbelievably impressive feat to address that issue. But
16 we are not addressing the issue facing unhoused
17 residents in the city with the urgency that they demand.

18 If you can tell the entire City of Los
19 Angeles that we can shelter in place, then you can tell
20 the hotels that they are commandeered and they need to
21 open their doors to the residents of Skid Row and the
22 other residents. And I say that to the hotels that have
23 received a billion dollars in state subsidies and city
24 subsidies, which is the same amount of money, Your
25 Honor, that has been provided under measure HHH by

1 taxpayers to build permanent supportive housing.

2 That is the sense of urgency that we are
3 under. I think we are aligned with the LA Alliance.

4 And, Your Honor, that is the solution.

5 THE COURT: I want you to know that
6 that's genuinely felt because I'm going to read to you
7 from lines 6 through 12. "Plaintiffs recognize the
8 tremendous efforts undertaken by the city and county
9 over the last several weeks as the COVID-19 pandemic
10 unfolds. Plaintiffs understand and appreciate that this
11 crisis is unfolding rapidly.

12 Defendants are utilizing significant
13 effort and resources to respond accordingly. However,
14 plaintiffs are focused on the representations made
15 during the March 19, 2020, hearing and how those
16 representations comport with what has taken place on the
17 ground over the ensuing two weeks."

18 That doesn't give me one meaningful
19 position. So what are you calling for? Are you
20 willing, then, to go along if the governor literally
21 instituted martial law and decided with no choice to
22 move these people into those 12-foot squares? Because
23 that's what they're dealing with.

24 MS. MYERS: No, Your Honor, that's not
25 what's called for. And that's not what the authority is

1 that the governor has over individual citizens. But
2 with the governor --

3 THE WITNESS: So your position is use
4 this power to get moves now.

5 MS. MYERS: Yes, open the taxpayer
6 subsidized hotel rooms and use the power that the city
7 has --

8 THE COURT: Would you be accommodated by
9 tents? Let's say that you had sprung tents. And I'm
10 just throwing things out. So you have to answer yes or
11 no. Would you be accepting of sprung tents?

12 MS. MYERS: Sprung structure that are
13 their primary substance, no, Your Honor.

14 THE COURT: No, why?

15 MS. MYERS: No, because what is required
16 when you create a congregate shelter is a second level
17 of beds in isolation units that are then available to
18 people. This is what we're seeing at the recreation
19 centers, Your Honor, is they're creating congregate
20 shelters, and then they're having to deploy the RVs to
21 those congregate shelters to keep available as isolation
22 units when and if COVID-19 breaks out of the shelters.

23 THE COURT: Now, I'll tell you, I don't
24 have an opinion on that. It depends upon which
25 councilperson I talk to. I talked to Herb twice. I

1 think he would be very pleased with the sprung
2 structure.

3 MS. WEITZMAN: Judge, I think the issues
4 we know --

5 THE COURT: No, no, I'm speaking to
6 Shayla, please.

7 MS. MYERS: But, Your Honor, I don't
8 think this is in their status reports. This is what
9 they've done. They were given 572 RVs, which makes
10 sense, but they've had to park those RVs next to the
11 congregate shelters to keep them as isolation beds.

12 If you create in the first instance
13 individual units from hotels and motels, then you don't
14 need a second line of defense for those RVs. And I
15 think that's the challenge with these congregate
16 shelters is every time you build one -- and we are not
17 disagreeing with the position that Barbara Ferrer has
18 taken that these sprung structures might be a better
19 option than nothing.

20 But, Your Honor, the pace and scale of
21 standing up those shelters has put us in the position
22 that we're in where there are 562 beds that are
23 available when the expectation was that there were going
24 to be thousands.

25 THE COURT: Yeah, 2,000 recreation spaces

1 when --

2 MS. MYERS: Exactly, Your Honor.

3 THE COURT: Marcus, what are your
4 thoughts?

5 MS. WEITZMAN: Can I just --

6 THE COURT: No. Marcus, what are your
7 thoughts?

8 MR. MARCUS: Your Honor, the city
9 attorney is working with the city, with the mayor's
10 office, with the city council to do everything we can.

11 THE COURT: Okay. I am going to hold a
12 status conference. And I'm going to hold your feet to
13 the fire. And the question is when. And the question
14 is who is going to attend. I want the decision makers
15 on the front line as much as possible. You should be
16 ashamed of yourselves, and I should be ashamed of myself
17 if we give this very problem back to the mayor and the
18 council and the board of supervisors and we don't act
19 with this money that is available for some type of long-
20 term and humane solution coming out of this.

21 Otherwise, we're just going to put the
22 people back on the back on the street. Shayla, your
23 problem is we're not putting enough people in to worry
24 about putting people back out on the street.

25 MS. MYERS: Exactly.

1 THE COURT: Okay. All right. One week.
2 I'm not going to require any of your elected officials
3 to be present, but you better have the ability to pick
4 up the phone and call Kathryn, Barbara, and the mayor
5 from the conference that we have. It'll take place at
6 10:00 in this hotel. I think that's reasonable. So I'm
7 not getting in the way. And I'm going to demand
8 absolute accountability. I think that satisfies your
9 concern and quite frankly this court is going to push
10 you very hard.

11 We're running hard, and we haven't even
12 started to run as hard as we think we can run yet.
13 Understood? You're in a race to save human lives. Now,
14 do it.

15 All right. Andre, do you have anything?

16 MR. BIROTTE: Nope. I'll see you all
17 next week.

18 THE COURT: Christina, do you have
19 anything? Judge Smith will communicate with you.
20 You'll communicate with Judge Smith. I'd like his phone
21 number today before you leave. Marcus?

22 MR. MARCUS: Yes.

23 THE COURT: I would appreciate having
24 more direct contact with Mike Fiore. Understood?

25 MR. MARCUS: Understood.

1 THE COURT: I'd like just one call.
2 Shayla?

3 MS. MYERS: Understood.

4 THE COURT: Anybody want to test my
5 accountability by walking with me in a few moments down
6 to Skid Row and taking a look at these? Do you all
7 believe me, or do you want to see it? Do you want to
8 see it?

9 MR. YOUNG: I'll go with you.

10 THE COURT: Yeah, come on with me. I'm
11 going to give you a demonstration of what's out there.
12 Can we take this young man with us and just prop him in
13 a tent up there and --

14 MR. YOUNG: Survival of the fittest. I
15 would like to. I really would.

16 THE COURT: All right. 10:00 in one
17 week. Thank you, very much.

18 COURT REPORTER: The time is 3:43 p.m.
19 We are off the record.

20 (Whereupon, at 3:43 p.m., the proceeding
21 was concluded.)
22
23
24
25

CERTIFICATE OF NOTARY PUBLIC

I, AUSTIN CHE, the officer before whom the foregoing proceedings were taken, do hereby certify that any witness(es) in the foregoing proceedings, prior to testifying, were duly sworn; that the proceedings were recorded by me and thereafter reduced to typewriting by a qualified transcriptionist; that said digital audio recording of said proceedings are a true and accurate record to the best of my knowledge, skills, and ability; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this was taken; and, further, that I am not a relative or employee of any counsel or attorney employed by the parties hereto, nor financially or otherwise interested in the outcome of this action.

A handwritten signature in black ink, appearing to read 'Austin Che', with a long horizontal stroke extending to the right.

AUSTIN CHE

Notary Public in and for the
State of California

CERTIFICATE OF TRANSCRIBER

I, LORIE COOK, do hereby certify that this transcript was prepared from the digital audio recording of the foregoing proceeding, that said transcript is a true and accurate record of the proceedings to the best of my knowledge, skills, and ability; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this was taken; and, further, that I am not a relative or employee of any counsel or attorney employed by the parties hereto, nor financially or otherwise interested in the outcome of this action.

Dated: April 9, 2020

A handwritten signature in black ink that reads "Lorie A. Cook". The signature is written in a cursive, flowing style.

LORIE COOK

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